

**CITY OF WENATCHEE
LAND USE HEARING EXAMINER**

IN THE MATTER OF)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
CUP14-03)	DECISION AND
HTEK Holding, LLC)	CONDITIONS OF APPROVAL

THIS MATTER having come on for hearing in front of the City of Wenatchee Hearing Examiner on May 27, 2014, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision and Conditions of Approval as follows:

I. FINDINGS OF FACT

1. The submitted application is for a two phased project to convert the First Church of Christ Scientist into a pediatric speech, physical, and occupational therapy medical clinic for children. Phase I proposes renovation of this existing 3,234 square foot building into a medical clinic. Phase II proposes construction of a building addition to add approximately 1500-1650 square feet to the main floor and a basement of equal size to the addition. Phase II further proposes site work in the form of additional off-street parking spaces, retaining walls, and landscaping. Hours of operation are proposed as Monday through Friday, 8 am to 6 pm.
2. The applicant is HTEK Holding, LLC and Burns & Hunsaker, LLC.
3. The property owner is First Church of Christ Scientist.
4. The application is for a two phased project to convert the First Church of Christ Scientist into a pediatric speech, physical, and occupational therapy medical clinic for children.
5. The subject property is located at 1500 South Mission Street and identified by Chelan County Tax Parcel No: 22-20-15-140-075.
6. The subject property is located in the Residential High (RH) / Mixed Residential Corridor (MRC) Zoning District
7. The Wenatchee Urban Area Comprehensive Plan Land Use designation is Residential High (RH) / Mixed Residential Corridor (MRC).
8. The subject site is 35,836 square feet in area.
9. Clinics are allowed as a conditional use in the MRC Overlay Zoning District.

10. "Clinic" is defined as a building designed or used for the medical, dental or surgical diagnosis and treatment of outpatients under the care of medical professionals, having a central reception room for three or more doctors and operated under a central medical management.
11. The mixed residential corridor (MRC) is designated along arterial streets with high traffic volumes, multifamily units, public buildings and/or other nonresidential land uses. It is suitable for a range of residential, mixed use and nonresidential structures.
12. The proposed development at full build out is below the threshold for a Traffic Impact Analysis.
13. The site is fronted by Public Right-of-Way: Parkway Avenue is an improved local access road that has curb, gutter and sidewalks along this frontage. South Mission Street is an improved arterial road that has street lighting, curb, gutter and sidewalk along this frontage.
14. The existing site is served by City of Wenatchee Utility connections of Sewer, Water and a Storm drainage system.
15. The application was reviewed for consistency and compliance with the Wenatchee Urban Area Comprehensive Plan.
16. The application was reviewed for consistency and compliance with the standards established in the Wenatchee City Code, Section 10.65.060 "Conditional use permit criteria" and the specific conditions for clinics in WCC 10.65.100.
17. The application was reviewed for consistency and compliance with the MRC Zoning Requirements found in WCC 10.40.070 and meets the minimum requirements established.
18. Appropriate notice of application and public hearing was referred to appropriate local agencies, mailed to property owners within 350' of the subject property, and posted on site, and on the City's website in accordance with Wenatchee City Code, Title 13 Administration.
19. Referral comments received from the Wenatchee School District and Chelan County PUD have been considered in the review of this application.
20. One public comment was received in favor of the application.
21. A SEPA determination of Optional Determination of Non Significance (ODNS) was issued on May 21, 2014.
22. An open record public hearing after due legal notice was held on May 27, 2014.
23. The Wenatchee Hearing Examiner considered all evidence within the record in rendering the decision.
24. The entire Planning Staff file was admitted into the record at the public hearing.

25. The City of Wenatchee Department of Community Development recommended approval of the requested permit, subject to the recommended conditions of approval.
26. Appearing and testifying on behalf of the applicant were Kevin Bromiley and Hal Hunsaker. Mr. Bromiley indicated that he was the attorney for the applicant. Mr. Hunsaker indicated that he was an agent authorized to appear and speak on behalf of the applicant. Mr. Hunsaker testified that the Achieve Center began in 2004. The move to the proposed location will benefit their Spanish speaking cliental as they will be located closer to this client base. He testified that all of the proposed conditions of approval were acceptable. Mr. Bromiley also indicated that all of the proposed conditions of approval were acceptable.
27. No member of the public testified at the hearing.
28. The proposal is appropriate in design, character and appearance with the goals and policies for the land use designation in which the proposed use is located.
29. The proposed use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval.
30. The cumulative impact of additional requests for like actions (the total of the conditional uses over time or space) will not produce significant adverse effects to the environment that cannot be mitigated by conditions of approval.
31. The proposal will be served by adequate facilities including access, fire protection, water, storm water control, and sewage disposal facilities.
32. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use will not unreasonably interfere with allowable development or use of neighboring properties.
33. The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the neighborhood.
34. The proposed conditional use will comply with all required performance standards specified in Wenatchee Municipal Code.
35. Land uses, activities, and structures that are allowed by this conditional use permit will comply with the required performance standards specified in the Wenatchee Municipal Code.
36. The proposal conforms to the standards specified in the Wenatchee Municipal Code.
37. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The City of Wenatchee Hearing Examiner has been granted the authority to render this decision pursuant to WCC 11.04.08.

2. The subject application demonstrates consistency with the development standards and procedural requirements of WCC, Title 10 Zoning and Title 13 Administration of Development Standards.
3. The proposed use, at the proposed location, is consistent with the purposes of the comprehensive plan, the zoning code and the zoning district in which it is to be located, and that the proposed use will meet all applicable requirements of Wenatchee City Code, Title 10 Zoning.
4. The use, as conditioned, will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property.
5. The proposal has been designed to minimize adverse effects on neighboring properties, to include at minimum the effects of lighting, transportation, noise, and appearance.
6. The conditions of approval are the minimum necessary to ensure the proposed development will comply with all applicable laws and regulations.
7. The conditions placed upon the proposed use are conditions that are measurable, can be enforced and monitored.
8. The conditional use permit shall run with the land.
9. The conditional use permit only applies to the specific location for which it was applied.
10. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Conditional Use Permit Application CUP14-03 is hereby **APPROVED** subject to the following Conditions of Approval.

IV. CONDITIONS OF APPROVAL

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. All conditions imposed herein shall be binding on the "Applicant," which terms shall include the owner or owners of the property, heirs, assigns and successors.
2. The project shall proceed in substantial conformance with the plans and application materials on file except as amended by the conditions herein.
3. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals.

4. The conditional use permit must be acted upon within three years from the date of approval or the permit shall expire. The holder of the permit may request an extension of time before the expiration date and the director may grant one extension of time of up to one year past the original expiration date.
5. The property owner/operator shall maintain compliance with the standards of this Title 10 Zoning and of the conditional use permit at all times. Violation of the terms of the permit and/or requirements of the WCC not expressly modified by the permit shall be processed as a violation pursuant to Chapter 13.13 WCC, Enforcement and Penalties.
6. The applicant shall comply with the Chelan PUD comment received 5/12/14 noting that any additional electric load will require an application process and may require fees.
7. Hours of operation for the clinic shall be Monday through Friday, 7 am to 7 pm.
8. All lighting shall be designed to pedestrian scaled and not shine on adjoining properties.

Dated this 2nd day of June, 2014.

CITY OF WENATCHEE HEARING EXAMINER



Andrew L. Kottkamp

Action of the Hearing Examiner is final unless, within twenty one (21) days of the Issuance of the Notice of Final Decision, an appeal is filed in the Chelan County Superior Court as provided for in the Wenatchee City Code, Title 13, Chapter 13.11, and RCW 36.70C.040(3)(4)(a); provided however, that no final decision of the hearing examiner may be appealed to superior court unless such party has first brought a timely motion for reconsideration of the hearing examiner's decision pursuant Wenatchee City Code, Title 13, Chapter 13.11.060.